

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

IN THE DRAWINGS

While Applicant's representative does not necessarily agree with the requirement to label FIG. 1, in order to further prosecution, FIG. 1 has been labeled "conventional". Replacement FIG. 1 is submitted herewith. As such, the objection to the drawings should be withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

The rejection of claims 1, 12 and 13 under 35 U.S.C. §112, second paragraph, has been obviated by appropriate amendment and should be withdrawn.

SUPPORT FOR CLAIM AMENDMENTS

Support for the limitation time window may be found on page 10, line 5 of the specification. Support for evenly distributed bandwidth may be found on page 12, line 3 of the specification. Support for the various other amendments may be found throughout the specification. No new matter has been added.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

The rejection of claims 1-20 under 35 U.S.C. §102 as being anticipated by Johnson has been obviated by appropriate amendment and should be withdrawn.

Johnson discloses systems and methods for the deterministic management of information (Title).

In contrast, the present invention provides a method for providing evenly distributed bandwidth requests between one or more clients and a server over a network, comprising the steps of (A) requesting data from a location on said server by one of the clients, (B) if the data is available, transferring the data to the client, (C) if the data is unavailable, issuing a denial of service indication along with a queuing indication for notifying the client of a particular time window of availability of the data, and (D) requesting the data from the server during the time window. Claims 12 and 13 provide similar limitations.

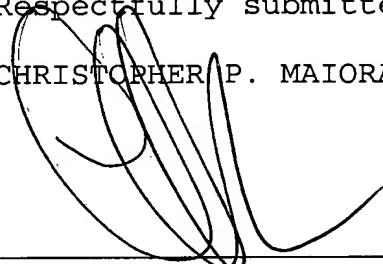
Johnson does not disclose or suggest each of the elements of the claimed invention. For example, Johnson is silent regarding issuing a denial of service indication along with a queuing indication. Johnson is also silent regarding a queuing indication that notifies the client of a particular time window of availability of the data. Since Johnson is silent regarding such limitations, Johnson does not disclose or suggest such limitations. As such, the presently claimed invention is fully patentable over Johnson and the rejection should be withdrawn.

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge our office Account No. 50-0541.

Respectfully submitted,

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